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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/298,798	04/23/1999	YU-CHEUN JOU	QCPA990343	2454

23696 7590 03/27/2002

Qualcomm Incorporated
Patents Department
5775 Morehouse Drive
San Diego, CA 92121-1714

EXAMINER

ODLAND, DAVID E

ART UNIT	PAPER NUMBER
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2662

DATE MAILED: 03/27/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/298,798	JOU, YU-CHEUN	
	Examiner	Art Unit	
	David Odland	2662	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4 & 6. 6) ☐ Other: _____

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DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "...said multi-carrier system..." in line 5. There is insufficient antecedent basis for this limitation in the claim.

Claim 5 recites the limitation "...preferred frequency channels is *less number of* frequencies in said predetermined set of frequencies..." in lines 4 and 5. This limitation is confusing; it is unclear what is meant by 'frequency channels is *less number*'.

Claims 2-7 are rejected because they depend upon claim 1.

Claim 8 recites the limitation "...a control processor for controlling the operation of a plurality of receiver subsystems in accordance with information indicated in a received sync carrier message..." in lines 2-4. It is unclear what information in the sync message is used to control which operations of the receiving subsystems.

Claim 9 recites the limitation "...said control processor is further for deciding whether to operate in a single band mode..." in lines 1 and 2. It is unclear what is meant by 'control processor is *further for* deciding'. Claim 9 also recites the limitation "...said first receiver system..." in line 3. There is insufficient antecedent basis for this limitation in the claim.

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Claims 9-11 are rejected because they depend upon claim 8.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1 and 3 are rejected under 35 U.S.C. 102(e) as being anticipated by Katsuragawa (U.S. Patent number 6,339,588).

Referring to claim 1, Katsuragawa discloses a multi-carrier base station operating within a predetermined set of frequencies wherein data components of forward link data are transmitted simultaneously on a plurality of frequency bands (a system comprising a base station operating within a set of frequencies where forward link components are transmitted on a plurality of frequency bands [see Fig. 1 and column 4 lines 29-36]), where in the base station comprises a first transmission subsystem for transmitting a sync channel message on a single carrier frequency of a set of frequencies of said multi-carrier system and at least one additional transmission

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subsystem for transmitting remaining components of the forward link data (a transmission subsystem for the sync channel and additional transmission subsystems for the other components of the forward channel [see figure 1]).

Referring to claim 3, Katsuragawa discloses transmitting a sync channel message, which indicates the frequency of a single carrier system in the predetermined set of frequencies (the sync channel message is transmitted over a single carrier within a CDMA system [see figure 1 and column 4 lines 29-33]).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. U.S. Pat. No. 5504803 to Yamada et al. discloses a method for automatic mode selection for a dual-mode telephone handset for use in a cellular mobile telephone system and in a wireless telephone system.
- b. U.S. Pat. No. 5497503 to Rydberg et al. discloses a method for assigning frequency channels in a cellular communication system and for identifying critical existing fixed microwave receivers that restrict operation of such a system.
- c. U.S. Pat. No. 6327314 to Cimini et al. discloses a method and apparatus for channel estimation for multicarrier systems.
- d. U.S. Pat. No. 6320903 to Isaksson et al. discloses multi-carrier transmission systems.
- e. U.S. Pat. No. 6330446 to Mori discloses a velocity-based method of controlling registration in mobile communication systems.

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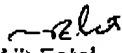
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Odland whose telephone number is (703) 305-3231. The examiner can normally be reached on Mon-Fri 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached at (703) 305-4744. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

deo

March 13, 2002


David Odland
Primary Examiner